



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*271 Cadman Plaza East
Brooklyn, New York 11201*

October 3, 2018

VIA ECF

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Kelley Amadei, et al. v. Kirstjen M. Nielsen, et al.*
Case No.: 17-CV-5967 (Garaufis, J.) (Scanlon, M.J.)

Dear Judge Garaufis:

This Office represents the Defendants in the above-referenced matter. Defendants write in brief reply to Plaintiffs' opposition to Defendants' motion to stay discovery in order to clarify the record and correct certain representations in that opposition. *See* Dkt. Entry No. 57.

Contrary to Plaintiffs' assertions, Defendants did meet and confer prior to filing the instant motion. On September 26, 2018, Defendants asked Plaintiffs whether they would consent to staying discovery pending a decision on Defendants' motion to dismiss, in light of the discovery requested and the current discovery disputes. Plaintiffs stated that they would not consent to such a stay. Thus, Defendants filed the motion and included within it Plaintiffs' position. *See* Dkt. No. 56, at p. 1. Plaintiffs also mischaracterize Defendants' motion as a "delay tactic." Since filing the instant motion on September 27, 2018, Defendants have produced approximately 2,000 additional pages of documents and two witnesses for depositions in the last week alone and have no intention of delaying discovery while the motion to stay is pending. Indeed, Defendants do not file this motion to delay discovery but rather to seek relief from burdensome discovery demands that are disproportionate to the needs of the case, while a motion to dismiss, which will likely dispose of the case and obviate the need for burdensome discovery demands, is pending.

Accordingly, Defendants request that the Court stay discovery until a decision has been rendered with respect to Defendants' motion to dismiss the Complaint.

Respectfully submitted,

RICHARD P. DONOGUE
United States Attorney
Eastern District of New York

By: /s/
Dara A. Olds
Matthew J. Modafferi
Assistant U.S. Attorneys

cc: Honorable Vera M. Scanlon (Via ECF)
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

All counsel of record (via ECF)